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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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IPVENTURE, INC. 5150 EL CAMINO REAL SUITE A-22 LOS ALTOS, CA 94022			EXAMINER LOFTIS, JOHNNA RONEE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/550,706	Applicant(s) TAM ET AL.	
	Examiner Johnna R. Loftis	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 23-34 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) 9-11, 13-19, 25-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12, 20, 21, 23, 24 and 37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/26/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final office action in response to the Pre-Appeal Brief filed 3/12/07. Prosecution is hereby REOPENED. Claims 1-8, 12, 20, 21, 23, 24 and 37-39 are pending and have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments filed 3/12/07 have been fully considered but they are not persuasive. Applicants argue that Ralston et al teaches a method for scheduling an appointment with a facility, namely, a medical facility, for some procedure and claim that Ralston et al fail to teach or suggest making an appointment with a service provider. Examiner points to column 2, lines 49-52 of Ralston et al. Here, Ralston et al teaches providing a system for scheduling appointments at a plurality of facilities, each facility including a plurality of areas equipped to provide services. The differences between the claimed invention and Ralston et al are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* § 2106.

3. Applicant's arguments, with respect to the rejection(s) of claim(s) 1 under 35 USC 103, in view of Russell have been fully considered and are persuasive. Therefore, the rejection has

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been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Donnelly, US 6,049,776.

4. In response to Applicant's remarks regarding restriction practice, Examiner recalls the Office Action dated 4/3/06. In accordance with MPEP 811.02, the claims were not under final rejection and since the inventions require different fields of search, restriction is proper.

5. Examiner has included an initialed copy of PTO-1449 dated October 26, 2004.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8, 12, 20, 21, 23, 24 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al, US 6,389,454 in view of Donnelly et al, US 6,049,776

As per **claim 1**, Ralston et al. teaches a computer-implemented method for providing an on-line appointment between a service provider and a user who is interested in a service the service provider may be able to provide, over a network, said method comprising:

(a) receiving a request for appointment availability of the service provider during a time period (see abstract, column 2, lines 53-62, and column 4, lines 46-49, an appointment request is made of the service provider for a specific time period);

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(b) determining available appointment times within the time period for the service provider through use of a central appointments server having access to a central appointment database that stores calendars for various service providers, including a first calendar for a service provider (see figures 2 and 3, abstract, column 4, lines 17-35, column 5, lines 17-60, and column 7, lines 21-35, the available appointment times within the time period for the service provider are determined through a central server which has access to the various facilities or service provider's information; the remote schedule servers store dates and times the facilities and or staff are available);

(c) transmitting the available appointment times to the user (see column 5, lines 61-67, through column 6, lines 1-12, the available appointment times are transmitted to the user);

(d) receiving a selected appointment time from the available appointment times (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times); and

(e) setting the on-line appointment between the user and the service provider at the selected appointment time (see column 6, lines 3-27, the on-line appointment is set), wherein said method is implemented by another entity, with the another entity being independent of both the service provider and the user, "a computer implemented multi-facility scheduling system which enables a remote scheduler to arrange client appointments for a variety of services", (column 2, lines 31 - 33), and wherein the user can schedule the appointment through any computer as long as the computer can access the Internet with a browser (receiving the packet of client information is accomplished via the Internet, a local area

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network, or a wide area network", column 3, lines 43 - 44, wherein any computer that receives a packet of information via the Internet is inherently able to access the Internet through a browser, as using a browser is an old and very well known means for accessing the Internet).

Ralston teaches an appointment scheduling system that employs a central schedule server that contains data of scheduled appointments and times that are freely available for scheduling appointments at a plurality of service providers and also coordinates scheduling to accommodate preferred dates and times of the client, but does not explicitly teach checking another calendar of the service provider to determine if there is a conflict between the first calendar and the another calendar due to the selected appointment time. Donnelly et al teaches a calendar system wherein as calendar entries are added the system checks for any schedule conflicts (i.e., duplicate calendar entries for the date); the user is notified of the conflict (column 18, lines 30-43, and column 18, lines 53-64. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a check for conflict between schedules prior to scheduling the appointment so as to speed the scheduling process. This way, as a user requests a preferred date and time in Ralston, the system accesses staff schedules and schedules appointments during the time period for which there is no conflict.

As per **claim 2**, Ralston et al. teaches a method as recited in claim 1, wherein the time period is a day (see abstract, and column 5, lines 41-50, the appointments are made for a specific time during the day).

As per **claim 3**, Ralston et al. teaches a method as recited in claim 1, Wherein said receiving said receiving (a) of the request for appointment availability includes a time duration

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for the on-line appointment (see column 5, lines 6167, through column 6, lines 1-12, the user receives the available appointment times), and wherein said determining (b) of the available appointment times are those times during the time period that the service provider is available for at least the time duration (see column 5, lines 17-67, through column 6, lines 1-12, the available appointment times are times that the service provider is available for at least that time duration).

As per **claim 4**, Ralston et al. teaches a method as recited in claim 1, wherein said setting (e) comprises:

(e 1) transmitting verification information for the on-line appointment to the user (see column 6, lines 17-24, verification information is transmitted);

(e2) receiving a verification of the verification information for the on-line appointment; (see column 6, lines 17-24, verification information is transmitted) and (e3) subsequently setting the on-line appointment between the user and the service provider at the selected appointment time when the verification has been received (see column 6, lines 17-24, verification information is transmitted and the appointment is set).

As per **claim 5**, Ralston et al. teaches a method as recited in claim 1, wherein said setting (e) of the on-line appointment sets a requested online appointment, and wherein said method further comprises: (f) subsequently receiving a confirmation for the requested on-line appointment (see column 6, lines 17-24, a confirmation is received).

As per **claim 6**, Ralston et al. teaches a method as recited in claim 5, wherein said method further comprises: (g) updating the requested on-line appointment to a confirmed on-

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line appointment after the confirmation has been received (see column 6, lines 17-27, the appointment is confirmed).

As per **claim 7**, Ralston et al. teaches a method as recited in claim 5, wherein the time period is a predetermined day (see abstract, and column 5, lines 41-50, the appointments are made for a specific time during the day). and wherein the network is the Internet (see column 4, lines 17-49, the network is the Internet).

As per **claim 8**, Ralston et al. teaches a method as recited in claim 1, wherein said method further comprises: (f) subsequently rendering the selected appointment time for the service provider unavailable (see column 5, lines 58-59, the appointment time is inherently rendered unavailable as the appointment times are chosen from the time that the service provider is available).

As per **claim 12**, it is directed to the computer readable medium including computer code for providing the on-line appointment scheduling method of claim 1. Therefore since both Ralston et al and Donnelly et al teach computer implemented scheduling systems, the same rejection as applied to claim 1 also applies to claim 12.

As per **claim 20**, Ralston et al. teaches an on-line appointment system that supports a large number of users in making appointments over the Internet, comprising: an appointment server coupled to the network (see column 4, lines 17-49, the appointment server is coupled to a network); an appointment database coupled to said appointment server, wherein said appointment server and said appointment database together provide storage and access for calendars and provide assistance to users to request appointments with one or more service

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providers and provide assistance to users to schedule appointments with one or more service providers and thereafter permit confirmation, by the one or more service providers of the appointments that have been scheduled with the one or more service providers (see column 5, lines 17-67, through column 6, lines 1-24, the users can request appointments and confirm them with the service providers), and wherein the user can schedule the appointment through any computer as long as the computer can access the Internet with a browser (receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network", column 3, lines 43 - 44, wherein any computer that receives a packet of information via the Internet is inherently able to access the Internet through a browser, as using a browser is an old and very well known means for accessing the Internet).

Ralston teaches an appointment scheduling system that employs a central schedule server that contains data of scheduled appointments and times that are freely available for scheduling appointments at a plurality of service providers and also coordinates scheduling to accommodate preferred dates and times of the client, but does not explicitly teach checking another calendar of the service provider to determine if there is a conflict between the first calendar and the another calendar due to the selected appointment time. Donnelly et al teaches a calendar system wherein as calendar entries are added the system checks for any schedule conflicts (i.e., duplicate calendar entries for the date); the user is notified of the conflict (column 18, lines 30-43, and column 18, lines 53-64. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a check for conflict between schedules prior to scheduling the appointment so as to speed the scheduling process.

This way, as a user requests a preferred date and time in Ralston, the system accesses staff schedules and schedules appointments during the time period for which there is no conflict.

As per **claim 21**, Ralston et al. teaches confirmations for appointments (see column 6, lines 17-24). Ralston et al. does not explicitly disclose wherein said appointment server also provides reminders for confirmed appointments. However, it is old and well known in the art to provide reminders. Therefore, it would have been obvious to one of ordinary skill in the art to disclose reminders for confirmed appointments as it is a common and user-friendly feature that reminds the user the scheduled appointment.

As per **claim 23**, Ralston et al. teaches an on-line appointment system as recited in claim 20, wherein the users include consumers and service providers (see abstract. this automated system is for consumers and service providers). Ralston et al. disclose various service providers at various locations (see column 2, lines 30-46, the user may have appointments with different service providers). Inherent to they system of Ralston et al is a directory of the service providers. Ralston et al is directed to scheduling within the medical industry therefore when a client access the system for an appointment and enters an access code (column 4, lines 35-50), this code is processed to allow access to the specific organization associated with the access code.

As per **claim 24**, Ralston et al. teaches appointment database further stores user information for users and service providers to reduce subsequent data entry (column 6, lines 1-27 – once the appointment is set, information such as the client information, appointment date and time and facility identity is stored and the appointment is confirmed. Along with the confirmation a unique appointment number is transmitted to the client and the facility. Upon

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wanting to modify, confirm or cancel the appointment, one must enter the appointment number and details regarding the appointment, i.e. client information, date and time, etc. are retrieved).

As per **claim 37**, Ralston et al teaches an appointment scheduling system that employs a central schedule server that contains data of scheduled appointments and times that are freely available for scheduling appointments at a plurality of service providers. Inherently, the service provider schedules are synchronized with the central schedule server so as to enable the central scheduling server to access and update service provider schedules.

As per **claim 38**, Ralston et al teaches the on-line appointment is implemented by another entity based on the computer code, with the another entity being independent of both the service provider and the user (column 4, lines 35-50, column 5, lines 60-67 – when a user wants to schedule an appointment, they must access the central schedule server wherein the scheduling system gathers user information and accesses scheduling information of the facilities and/or doctors, the central schedule server manages the scheduling).

As per **claim 39**, Ralston et al teaches said system is managed by another entity, with the another entity being independent of both the service providers and the users (column 4, lines 35-50, column 5, lines 60-67 – when a user wants to schedule an appointment, they must access the central schedule server wherein the scheduling system gathers information from the user and accesses scheduling information of the facilities and/or doctors, the central schedule server manages the scheduling).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL
6/11/07



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